

# EXHIBIT 1

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June 26, 2007

**BY E-MAIL**

James G. Gilliland, Jr., Esquire  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834

**Re: Talecris Biotherapeutics, Inc. v. Baxter International Inc. and  
Baxter Healthcare Corporation, D.Del., C. A. No. 05-349-GMS**

Dear Jim:

You will recall that during the pre-trial conference I raised the issue of the impact of the Court's ruling on Talecris' Motion in Limine No. 4 To Exclude The Expert Testimony of Dr. Snape That Is Inconsistent With The Court's Claim Construction. Specifically, I requested the Court's guidance on whether Dr. Snape should be precluded from offering any non-infringement opinions at trial. The Court indicated that counsel for Baxter should "be given an opportunity to consider the Court's ruling and reconsider its position in the case, its defense for noninfringement." (6/14/07 Tr. at 30-31) (Ex. A hereto).

As I have not heard from you, we write to request Baxter's confirmation that Dr. Snape will not provide any non-infringement opinions at trial. If you believe that Dr. Snape is not so precluded, please let us know by the close of business tomorrow (5 P.M. EST). Otherwise, we will be filing a motion to preclude Dr. Snape from offering any non-infringement opinions at trial. We write this letter in advance of trial as a courtesy recognizing that Dr. Snape must travel here from the U.K.

Very truly yours,

*Mary*

Mary W. Bourke

MWB/pmd

Attachment

cc: Philip Rovner, Esquire  
Jeffrey B. Bove, Esquire  
#547192v1

1 IN THE UNITED STATES DISTRICT COURT

2 IN AND FOR THE DISTRICT OF DELAWARE

3 - - -

4 TALECRIS BIOTHERAPEUTICS, : Civil Action  
5 INC., :  
6 Plaintiff, :  
7 v. :  
8 BAXTER INTERNATIONAL INC. :  
9 and BAXTER HEALTHCARE :  
10 CORPORATION, :  
11 Defendants. : No. 05-349-GMS

12 - - -

13 BAXTER HEALTHCARE :  
14 CORPORATION, :  
15 Counterclaimant, :  
16 v. :  
17 TALECRIS BIOTHERAPEUTICS, :  
18 INC. and BAYER HEALTHCARE :  
19 LLC, :  
20 Counterdefendants. :  
21 - - -

22 Wilmington, Delaware  
23 Thursday, June 14, 2007  
24 9:30 a.m.  
25 Pretrial Conference

26 - - -

27 BEFORE: HONORABLE GREGORY M. SLEET, U.S.D.C.J.

28

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1 APPEARANCES:

2 JEFFREY B. BOVE, ESQ.,  
3 MARY W. BOURKE, ESQ.,  
4 JACLYN M. MASON, ESQ., and  
5 DANA K. HAMMOND, ESQ.  
6 Connolly Bove Lodge & Hutz LLP  
-and-  
7 BRADFORD J. BADKE, ESQ.  
8 Ropes & Gray  
9 (New York, N.Y.)

10 Counsel for Plaintiff and  
11 Counterdefendants

12 PHILIP A. ROVNER, ESQ.  
13 Potter Anderson & Corroon LLP  
-and-  
14 JAMES G. GILLILAND, JR., ESQ.,  
15 SUSAN M. SPAETH, ESQ.,  
16 ANNE M. ROGASKI, ESQ., and  
17 MEGAN M. CHUNG, ESQ.  
18 Townsend and Townsend and Crew  
19 (Palo Alto, CA)

20 Counsel for Defendants and  
21 Counterclaimant

22 - - -

23  
24  
25

1 nothing to preclude you from standing up if you feel that  
2 the expert is offering an improper opinion, inconsistent  
3 with the Court's ruling, to object.

4 But, counsel, do you want to address this at  
5 all?

6 MR. GILLILAND: Well, if there were a motion to  
7 strike the entirety of our noninfringement case, we would  
8 like an opportunity to respond to it.

9 THE COURT: It almost sounds like that is what  
10 it is. We are talking about Dr. Snape. Right?

11 MS. BOURKE: In this instance, yes.

12 THE COURT: Do you accept the characterization  
13 that he is your principal noninfringement case?

14 MR. GILLILAND: That's correct.

15 THE COURT: It would have the impact, were I to  
16 grant the motion that has just been made, of I guess doing  
17 just what you said.

18 MR. GILLILAND: It would make it very difficult  
19 for Baxter to present evidence on its noninfringement case  
20 if we were not able to have Dr. Snape's testimony.

21 THE COURT: Counsel has heard the Court's  
22 ruling. Counsel, we know, is going to abide by the Court's  
23 ruling. So I think it fair for counsel for Baxter to be  
24 given an opportunity to consider the Court's ruling and  
25 reconsider its position in the case, its defense for

1 noninfringement.

2 Anything else?

3 MR. GILLILAND: I do have one other question  
4 that I think is more in the line of a clarification, which  
5 is that, since the Court has ruled plain and ordinary  
6 meaning is the claim construction, I take it that no parties  
7 will be testifying about what that means, neither the  
8 defendants' experts nor the plaintiff's experts.

9 THE COURT: We forecasted this would come up.

10 Go ahead.

11 MS. BOURKE: Sure. To the extent that it's what  
12 an expert would testify about plain and ordinary meaning is  
13 consistent with the Court's claim construction, in other  
14 words, not testifying to an argument that was rejected, I  
15 should think it would be proper to explain to the jury what  
16 that expert understands --

17 THE COURT: I would expect counsel would agree  
18 with that, to the extent there is no inconsistency with the  
19 Court's claim construction.

20 Or would you? Maybe not.

21 MR. GILLILAND: I am afraid it puts us right  
22 back in the same soup. For example, the question of any  
23 virus activity, that was one of the disputed issues, what is  
24 meant by the word any, Baxter argued in claim construction  
25 that any means all. So if I were to say I have a patent on